

## **REMARKS**

### **I. CLAIM STATUS**

Claims 1-12, 17, and 20 are pending in the application. Claims 1 and 8-12 have been allowed. Claims 2-7 and 13-20 have been rejected. Claims 2, 3, 6 and 17 have been amended. Claims 13-16 and 18-19 have been cancelled without prejudice or disclaimer.

Claims 2, 3 and 6 have been amended to delete the phrase referring to certain R groups being defined above. Since these claims depend from claim 1 and the R groups are defined within claim 1 such language is unnecessary. Claim 17 has been amended to delete the phrase “preventing and/or” without prejudice or disclaimer.

### **II. CLAIM REJECTIONS**

#### **a. 35 U.S.C. 112, Second Paragraph**

Claims 2, 3 and 6 and their dependent claims 4, 5 and 7 have been rejected as being indefinite. The Examiner contends that the R variables described in these claims contain no definition for these variables. The Examiner suggests linking the variables to claim 1. Claims 2, 3 and 6 have been amended to delete the phrase “as defined above respectively”. Claims 2, 3 and 6 all depend from claim 1 which contains the definition for the R groups. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 13-16 have been rejected as indefinite. The Examiner contends that it is not clear if there are compound claims or composition claims. The Examiner has also contended that the term “comprise” is indefinite. Without conceding the correctness of the

Examiner's position, claims 13-16 have been cancelled without prejudice or disclaimer.  
Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner has also asserted that claim 20 appears to be a duplicate of claim 19. Without conceding the correctness of the Examiner's position, claim 19 has been cancelled without prejudice or disclaimer.

**b. 35 U.S.C. 112, First Paragraph**

Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph. The Examiner contends that while being enabling for treating diabetes, these claims do not reasonably provide enablement for preventing diabetes and treating and preventing any or all diabetic complications. The Examiner contends that claims 17-20 are "reach-through" claims because of the insulin secretion promoting activity by a compound of Formula I, the claims drawn to the instant compounds being used to not only treat but also to prevent diabetes and treat any and all complications of diabetes, for which the Examiner contends there is no written description.

Applicants respectfully traverse. Without conceding the correctness of the Examiner's position, claim 17 has been amended to delete the phrase "and/or preventing" without prejudice or disclaimer. Claims 18-19 have been cancelled without prejudice or disclaimer or conceding the correctness of the Examiner's position.

Applicants contend that the specification provides adequate written description and enablement for the treatment of diabetes using the compounds of the invention. The specification shows that the compounds of the present invention exhibited hyperglycemia

suppressing action in normal rats after glucose loading, and therefore provides adequate written description and enablement for decreasing blood glucose levels as described in claim 20. Additionally, there is a clear nexus between decreasing blood glucose levels and the treatment of diabetes.

In view of the preceding arguments and amendments, applicants respectfully request reconsideration and withdrawal of this rejection.

### CONCLUSION

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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